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POLICE ADMINISTRATION.

THE word "police" has a wide variety of meanings. Etymologically it signifies the entire public activity of the city-state; and in Germany to-day police administration includes the whole sphere of internal governmental administration. In a somewhat more limited sense, the word is used in the United States to indicate a sphere of governmental action that is definable only to this extent, that it excludes foreign relations and the economic functions of government. The police power of the American states extends to all matters that affect public order and the moral and physical health of the community. In this paper, however, the word "police" is used in its narrowest sense, to denote the special machinery for the preservation of order and the prevention and detection of crime. This machinery is found more particularly in modern urban municipalities. It consists of an organized and disciplined force of men for the systematic patrol of the public ways and of special magistrates for dealing summarily with the large mass of minor cases which demand prompt decision.

Such machinery in its present form is of recent origin; and, indeed, it is closely connected with the growth of densely populated urban communities. In ancient Rome there was a systematic police administration, at first under the control of the ædiles, who date from the third century of the city; while under the Empire a more perfect organization was created.

The municipalities of the Roman Empire also had some system of police, modelled after that in Rome. During the feudal centuries, however, we find no trace of any organized police systems, although the manorial lords exercised police jurisdiction in connection with their judicial administration. In the medieval free cities this police jurisdiction passed from the lords to the city authorities, but there was no patrol service or organized police force in the modern sense of the word.

I. *Evolution of the Modern Municipal Police.*

The first steps towards the modern system were taken in France. Under Philip of Valois there were definitely established at Paris in 1327 a number of *commissaires*, royal officers distinct from the judicial system, with power to conduct preliminary examinations and investigations in the enforcement of law and order. In other towns in France no attempt was made to separate the police magistracy from the judicial system until 1514, when similar *commissaires* were appointed in each royal *bailliage*. The beginnings of an organized police force may be dated from the establishment in 1356 of a military body known as the *maréchaussée*, to take cognizance of crimes committed by soldiers in the king's service. The jurisdiction of this force included deserters from the army, and thus reached one important class of those likely to cause public disturbances; in time its authority was extended to include all assaults, robberies and murders committed on the highways; and it is from this body, reorganized in 1720, that the present *gendarmerie* of France has developed.

An important step in the development of a systematic police patrol of urban communities was the creation of a lieutenant of police for Paris in 1667, under whom was a body of soldiers acting as guards for the city. In 1669 a lieutenant of police was appointed by the king for each town in France where there was a *parlement* or presidial court, and later the system was extended to other provincial cities.

The police arrangements of Paris continued to be the most advanced in any European city, and a description of the system there in 1763 will indicate the highest development reached up to that time. There were then forty-eight *commissaires* of police, whose duties resembled those of the English justices of the peace; but the offices in France were salaried and were filled by men of a lower social standing than the English country justices. The patrol force consisted altogether of 750 men, of whom 600 constituted practically a military force, armed and disciplined, and one-third of them mounted. The day force did not attempt any continuous patrol of the streets, but was stationed at certain posts, ready to act in case of an unusual public disturbance. The night patrol was more systematic; but it is significant of the conditions of the time that the guards performed their duty not individually, but always in small bands.[1]

In other French cities there was less attempt at a systematic patrol of the streets than in the capital. Indeed, the police system for the whole of France, which was under the immediate control of a royal minister, was a political organization, whose principal function was the detection and suppression of attacks on the government, while the maintenance of peace and order was but incidental. Some of the German states had a less developed but similar centralized police system, mainly political in nature. Even in Berlin there seems to have been no regular day patrol, and the night watch at the middle of the eighteenth century consisted of but fifty-four men.[2] For the suppression of serious outbreaks in the cities, the military forces were called into action.

Urban police arrangements in England at the end of the eighteenth century were even more primitive than those in the continental cities. The primary feature in the English system was the justice of the peace, an office dating from the reign of Edward III. The justices were appointed by the crown; but, as they were chosen from the local gentry, served without salary and were subject to no active administrative control by the central government, they were in practice independent local officials, radically different from the *commissaires* of police in the French system. Each justice had under his direction a small number of parish constables, who were in no sense trained officers, but persons serving transiently and acting mainly under specific instructions from the justices. In the towns the inhabitants were charged by the statute of Winchester[1] with the additional duty of watch and ward; but this service, like that of the justices, was entirely gratuitous, and no effective watch was maintained.

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[1] W. Mildmay, Police of Paris (1763), pp. 43 ff.

[2] *Revue des Deux Mondes*, CCXXVII, 159.

This system of unpaid justices and constables, which had worked satisfactorily under rural conditions, did not prove adapted to urban communities. The first step towards a change was made during the latter part of the eighteenth century, when certain boroughs and London parishes received special Parliamentary authority to employ a force of paid night watchmen and to levy a local rate for their support. The watchmen appointed were, however, poorly paid; they followed regular occupations during the day, and they were subject to no training or discipline. Moreover, with the increase of urban population, the work of the justices became so great and at the same time so repulsive that men of standing withdrew from the task, and the places were occupied by men attracted by the opportunities for pecuniary gain and extortion. About the middle of the eighteenth century a responsible presiding magistrate with a salary was appointed to the Bow Street Court in the city of London,[2] and the improved conditions that followed gave to that court a deserved celebrity in the annals of the time. But the numerous population outside of the jurisdiction of the city magistrate was not affected by this change; and it was not until 1792 that a law was enacted (the Middlesex Justices Bill) providing for the metropolitan community seven additional police officers, with permanent salaried magistrates.

The constable and night-watch systems had remained up to this time in their former crudeness. Their inadequacy to the urban conditions which had arisen was more especially shown in London, where the jurisdiction of a watch commission never extended beyond a single parish, and in some parishes there were several watch commissions, St. Pancras having no less than eighteen. Thus it often happened that the watchman on one side of a street could not help one on the other side, because they were in different parishes or watch districts. At the same time, many metropolitan parishes had no systematic night watch, and in a few cases there were no night watchmen at all.[1] Each magistrate had a small body of police officers attached to his court, but their duties were confined to the execution of specific orders and there was no system of day patrol. The inevitable result of such conditions was a startling prevalence of crime and disorder, while in cases of serious disturbance peace was preserved only by the display of military force.

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[1] 3 Edward I, ch. iv.

[2] The novelist Fielding at one time occupied this position.

A small improvement was made in 1805, when a patrol was organized for the central part of London during the early hours of the night. But it was not until 1828 that the great step was taken in the passage of Peel's Act. This swept away the old parochial organizations for police purposes in the metropolis, and established a new constabulary force for the entire district, under commissioners appointed by the crown — the first modern police force in the world. The act provided for a thoroughly organized corps of policemen, subject to strict training and discipline; a systematic day and night patrol of the whole area, which was divided into sections and definite beats for each officer; a force of reserves stationed at the police headquarters, and mobilizing arrangements for suppressing serious tumults.[2] As first established, the new system did not abolish the police of the city of London, the Thames River police or the constables of the magistrates; but in 1839 the latter two classes were absorbed, and in the same year the city reorganized its police force on the new model.

This new police system in London was bitterly attacked, as "one of the greatest inroads on the principles and practice of the British Constitution that modern times have witnessed."[1] The new police officer was styled a mercenary, a hireling, a slave of the executive, charged with detestable duties and entrusted with arbitrary power. Nevertheless, the main features of the system, with the exception of direct control by the central government, were rapidly adopted in other British cities. The Municipal Corporations Act of 1835 authorized the organization of police corps in all boroughs, each force to be under the control of the mayor and the watch committee of the council; and by 1840, when the metropolitan force consisted of some 3500 men, that of Liverpool had 600 men, Manchester 325 and Birmingham 300. In 1839 the formation of county police for the smaller towns and rural districts was authorized. In 1856 the system of county police was made compulsory; and at the same time a scheme of inspection of all the local police by the central government was organized, in connection with subsidies paid by the central government towards the cost of the local police.

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[1] *Contemporary Review*, LV, 624.

[2] *Edinburgh Review*, XCVI, 1.

Early arrangements for the preservation of peace and order in American cities were much the same as in the English towns; and the establishment of a well-organized police system in this country followed after the new English system was well under way. Thus, in New York city in 1840, when the population numbered 310,000, the police consisted of two constables elected in each of the seventeen wards, a body of about 100 men called mayor's marshals, a night watch of some 300 citizens who during the day pursued their occupations as cartmen, stevedores, porters, *etc.*, and about 100 other officials with a large variety of titles, such as wardens, bell ringers and inspectors of various kinds.[2] There was evidently no systematic day patrol and the various classes of officials had no effective organization. Philadelphia in 1833 had a body of twenty-four day policemen and 120 night watchmen. Boston in 1849 had twenty-two day police and twenty night watchmen, each class forming an entirely distinct force. Other cities had similarly small bodies of constables and police officers, with a considerable number of night watchmen ; but in no case was there any efficient organization, training or discipline in the service.

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[1] *Blackwood's Magazine*, XXIX, 85.

[2] Costello, Our Police Protectors, p. 102; *Scribner's Magazine*, XVI, 342.

A legislative statute of May, 1844, abolished the long list of officials in New York city and provided for a single body of police ; and about a year afterward the new system went into operation. The new force consisted of 800 men. The chief was appointed by the mayor, with the consent of the council; while the captains and men were appointed annually in each ward by the alderman, assistant alderman and assessor from the ward. It is obvious that with such a method of appointment the police system could not become a permanent force, while the defective discipline and organization are indicated by the fact that the members of the force prevented the adoption of a uniform. In 1853 some changes were introduced which effected considerable improvement. The mayor, recorder and city judge were created a board of police commissioners, with full power of appointing members of the force, who were to hold their positions during good behavior, thus establishing a permanent force capable of discipline and organized action. By degrees, too, a uniform was introduced and was accepted by the men.

The example of New York was soon followed by other cities. In 1850 a police district was created, including Philadelphia and its suburbs, in which an organized police force of 800 men was established.[1] By the extension of the boundaries of Philadelphia in 1853, this force became a branch of the government of the enlarged city. It was not, however, until 1860 that uniforms were adopted for the Philadelphia police. In Boston the dual system of watch and police was abolished in 1854 and the Boston Police Department established with 250 men.[2] The Baltimore police force was established in 1857 with 350 uniformed officers.[3]

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[1] H. O. Sprogle, The Philadelphia Police.

[2] E. H. Savage, The Boston Watch and Police.

[3] De Francias Folsom, Our Police.

Up to this time the police in American cities had been entirely under the control of local officials. But in 1857 the New York legislature established a metropolitan police district, including New York city, Brooklyn and surrounding territory, and created a state commission to control the police administration in this district. Similar state police boards were provided for Baltimore in 1860, St. Louis and Chicago in 1861, Detroit in 1865 and Cleveland in 1866. In the last-named city the state board continued only two years; in Chicago, only until 1865; and that in New York was abolished in 1870. The Detroit state board, however, continued until 1891; the Baltimore and St. Louis boards are still state authorities; while more recently other state boards for particular cities have been established, notably for Boston in 1885 and for Cincinnati in 1886.

On the continent of Europe there have also been important developments in police administration during the present century. In 1812 Prussia established a military *gendarmerie* on the general lines of the French organization,[1] and in 1830 authorized the municipal authorities of any city where no garrison was stationed to establish a local police force.[2] But for the continent in general the military was, during the first half of the century, the most important factor in maintaining order. Thus, the civil police of Paris in 1854 consisted of only 450 men on patrol duty and 300 other men on special duties,[3] while the main task of preserving peace fell to small garrisons of soldiers in various parts of the city. In that year, however, the police system of Paris was reorganized, somewhat on the lines of the London police. The soldiers were removed and a systematic patrol system established, with a force of 3000 men. This body was under the direct control of the central government, which paid a part of the additional expense of the new system. Since that time, in other continental cities the main features of the English system have been adopted, but the police on the continent of Europe remain even now a more military body than the English police.

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[1] Bornhak, Preussisches Verwaltungsrecht, II, 126.

[2] Von Ronne, Staatsrecht der Preuss. Monarchie, II, 2, p. 98.

[3] Block, Administration de Paris, p. 767.

At the present time, not only in the large urban centres throughout the world, but also in every considerable town in Europe and America, there is to be found an organized, uniformed and disciplined police force. The various bodies in Great Britain aggregate 45,000 men ; and in the United States, in cities of over 30,000 population, there are 28,000 policemen. The metropolitan police of London, numbering 15,000 men, is by far the largest force under a single direction ; the Paris police includes about 9000 men; that of New York 7500, Berlin 4500, Vienna 3500, Chicago 3000, Philadelphia 2400. In the smaller cities the size of the force is not only less absolutely, but — and this is significant — is in every country less in proportion to population than in the largest cities. Cities of about 50,000 inhabitants frequently have not more than five or six policemen to each 10,000 of population ; in cities of about 100,000 population the number of policemen usually averages at least ten per 10,000 ; where the population is as large as half a million, there are generally somewhere near fifteen policemen per 10,000 ; while of the largest cities New York has twenty, London twenty-four, Berlin twenty-five and Paris over thirty policemen to each 10,000 inhabitants.

This increasing proportion of policemen in the larger cities emphasizes what has already been indicated in noting the recent development of the present police system, that there is a close relation between urban conditions and the police patrol. In a thinly settled community crowds cannot easily gather, the residents are well known to each other and strangers are quickly noted. Under these conditions violations of law and order can be readily traced and wrongdoers quickly apprehended. But in a densely populated city, where outsiders continually come and go, and where even the inhabitants are strangers to one another, there are large opportunities for criminals to escape and for riotous disturbances to develop. It is these conditions which have led to the development of a systematic and disciplined police ; and, since the conditions are accentuated in the larger cities, these great urban communities demand a more than proportional development of their police system. This rule is, like all such empirical rules, true only in the main ; and exceptional conditions demand unusual police strength in some cities not of the largest size, as in Dublin, Calcutta and some of the principal cities of South America. In the United States, cities in the South, including Washington, have a larger proportion of policemen than the northern cities, probably on account of the large negro population. Other variations are not so easily explained. Thus, it is not evident why Detroit, New Haven, Albany and Troy should find it necessary to have a larger police force than most cities of the same population, or why Chicago, Cleveland and Denver have a smaller force than the average.[1]

II. *Organization of Municipal Police.*

Since the police force of each city forms a distinct corps, the system of organization in different cities varies widely ; but, nevertheless, some general features in the organization of the trained uniformed force can be noted.

In very small cities the only division of labor is that between the head of the force and the small body of privates or patrolmen ; but when the force is somewhat larger, it is usually organized after the model of a military company. In the first rank above the patrolmen are certain officers, called in America roundsmen or sergeants, who make periodic tours of the city to make sure that the patrolmen are at their posts. Above these is a lieutenant or sergeant, stationed at headquarters, over whom is the captain or chief. For the larger cities this organization becomes a unit in a more complex system. The city is divided into a number of police districts, or precincts, each of which has a station and a detachment of men organized in a way similar to that just described, while above the various precinct captains is the chief of police for the entire city. In the great cities the precincts are organized in groups, each group having at its head an officer intermediate between the chief and the captains. The metropolitan cities find necessary additional intermediate offices, so that in New York, for example, the hierarchy of police officers is: Chief, deputy chiefs, inspectors, captains, sergeants, roundsmen and patrolmen. Moreover, in the large cities there are also organized special detachments outside of the regular precinct organization, such as the mounted squad, the bicycle squad, the river or harbor police, the sanitary police and the detective bureau.

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[1] *Cf.* Bulletin of the Department of Labor, September, 1900.

Over the permanent corps of disciplined, trained and uniformed police there is a system of external non-professional control. But while the organization of the permanent force is in general along the lines indicated, the methods of control are not only far from uniform but represent radically different ideas. These differences exist both in the composition of the lay authority and in its relation to the central governments and municipalities.

As to the composition of the higher police authority, there are two principal systems: that of the board or committee and that of the single head. The latter is practically universal throughout continental Europe, where the *maire*, burgomaster or prefect has immediate control of the chief of police. The same system prevails in most of the less important cities in the United States; and in a number of the large cities, such as Chicago, Philadelphia, Cleveland, Minneapolis, Syracuse, Rochester, Albany and Troy, a single director or superintendent exercises the civil control over the permanent force. The board system of control is employed throughout Great Britain, where the watch committee of the municipal council — an unsalaried and slowly changing body — is the supervising authority. Over the metropolitan police for London there is a commissioner and three assistant commissioners, forming a salaried board in which the chairman is much the most important member.

The system of appointed salaried police boards was at one time almost universal in large American cities; and while in many places these boards have been replaced by single officials, the board system is still to be found in New York,[1] St. Louis, Boston, Cincinnati, Detroit, New Orleans and other important cities. The Boston police commission has three members; that of New Orleans, six; the other cities named have each four, while the statutes generally require that not more than two shall be members of the same political party. This requirement that the boards shall be bi-partisan has been established ostensibly because the machinery of elections is often under the control of the police authorities, so that precautions are necessary to prevent one party from controlling this machinery. The system, however, seriously affects the administration of the police. Deadlocks in bi-partisan boards are avoidable only by "deals" between the representatives of the two parties, while neither party can be held responsible for mismanagement. With a separate election bureau there is no adequate reason for a bi-partisan police board; indeed, there is little reason for a board of any kind, since a single police director is a more efficient and a more responsible authority.

It is important to note the great variety of forms which the relations of state and municipal authorities present in respect to police administration. In this field, more than in any other which is in any sense considered a municipal function, the higher governmental authorities have asserted and exercised their power to inspect, to supervise and even to assume the entire management.

The most important regions where the entire police system exists as a purely state institution with no local control are certain countries under British authority: Ireland, India, the South African and Australian colonies, Egypt and smaller dependencies under the British Crown. The Royal Irish Constabulary, which is the only police throughout Ireland, is almost a military force; it is well drilled, occupies barracks in the various towns and is under the immediate control of the executive government at Dublin. In India the urban police is under the direction of the central governments in the various provinces, although the larger municipalities make contributions towards the support of the forces on duty within their respective limits. New South Wales, the principal Australian state, is divided into ten police districts, of which the metropolitan area, including Sydney and suburbs, forms one; and in each district the police force is under an inspector-general and superintendent of police, appointed by the state government.

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[1] January, 1901.

In Russia, Bavaria, Württemberg and Greece the entire police system is almost equally centralized. For each of the large Russian cities there is a master of police, appointed by the government, who determines the numerical strength of the force, the disciplinary rules, salaries and appointments. The expenditure is paid by the municipal authorities; but they have no option in the matter, as the central government makes this an obligatory item in the budget.

While the entire police system in Prussia is not so completely centralized, in most of the important Prussian cities the immediate direction of the local police is in charge of a special commissioner appointed by the king. Twenty-one cities have such commissioners, the list including Berlin, all the cities with over 150,000 inhabitants and six of the eighteen with from 50,000 to 150,000 population. This feature of the Prussian system is found on a less extended scale in almost every other country where the general police system is largely under municipal control. In London, Paris, Lyons, Vienna and other European capitals the local police forces are under the immediate control of the various central governments. So, too, in the city of Mexico, in Rio de Janeiro, Buenos Ayres and Tokyo the police are a part of the national, and not of the municipal, administration. Even in the United States there are a number of important instances where the police force is under the management of a board appointed by the state government. This is now the case in St. Louis, Boston, Baltimore, Cincinnati and San Francisco (five of the ten largest cities); also in Washington, Indianapolis, Denver, Kansas City, Fall River, St. Joseph, Birmingham, Manchester (N. H.) and in all the Indiana cities with over 10,000 population.

In Europe the system of state police administration is often accompanied by grants from the central government toward the support of the police. Four-fifths of the cost of the Berlin police and one-third of the cost of the London and Paris police are paid in this way. On the other hand, in the American cities where there is a state police board the entire cost of the police is paid by the municipality.

Many countries where there are local police have also a force of state police under the immediate charge of the central government. These state forces are in most cases modelled after the French *gendarmerie.* This is a branch of the regular army, enlisted, organized and controlled by the military department. The *gendarmes* act as a sort of mounted police: in the cities they conduct prisoners from jails to courts and stand by them in criminal docks, are stationed at theatres and other places of public amusement, and line the streets to keep order during pageants; while in the country districts they do the regular work of patrol. Similar organizations under the direct control of the central governments are to be found in Belgium, the Netherlands, Austria, Italy, Portugal, Spain, Mexico and most of the South-American countries. The Canadian mounted police, organized by the Dominion government and employed in the preservation of order in the Northwest Territories, also resemble the European *gendarmerie.*

In the countries of continental Europe just mentioned the local police are to some extent under municipal control, but are also subject to a large degree of supervision by the central governments. This central supervision is probably strongest in France and Prussia. The *maires* of the French communes, who are elected by the local councils, have the power of appointing the police officers. They do so, however, not as representatives of the municipality, but in their capacity as agents of the state; and their appointments must be accepted by the prefect of the department, who has also the right of revoking the suspension and preventing the removal of any officer. Moreover, it is not the council but the *maire* (again subject to the control of the prefect) who makes police regulations.

Further, in all cities of over 40,000 population, the organization of the local force is regulated by a decree of the President of the Republic, and the function of the municipal council is confined to recommending a scheme. Finally, the *commissaires* of police in all cities of over 6000 population are appointed by the President on the recommendation of the minister of the interior, and thus furnish the means for an effective supervision over the local officers. The expense of the police is borne by the municipalities, but this is one of the obligatory expenditures which the central government can compel the city to make.

In those Prussian cities where there is not a state police, appointments to the police force are made by the municipal authorities, subject to the approval of the higher governmental officials, who also frame the rules of organization. The expenses of the police are paid by the cities, but as a contribution towards the state administration; and even the local police are classed distinctly, not as a part of the municipal service, but as a branch of the state administration.

The system of central control in Italy is no less complete than in France. In Austria and Belgium the local authorities have a slightly larger degree of autonomy. In Belgium the municipal councils enact police ordinances without the necessity of securing the approval of a higher authority, and the central government appoints the *commissaires* of police only in the larger cities.

Outside of the metropolitan district, the British police system allows a larger degree of local control. In the larger cities, including the sixty county boroughs and about as many other municipal boroughs, the immediate responsibility for the management of the police rests with the watch committees of the town councils. In most towns of less than 10,000 inhabitants and in some of larger size, the urban police form part of the county police under the control of the county authorities. There is, however, over both borough and county police a thorough system of supervision by the inspectors of the Home Office. This inspection requires the local authorities to keep their police up to a given standard of efficiency, under penalty of losing the parliamentary grant, which amounts in general to about one-half of the total cost of the police.

In the United States the police arrangements for most cities allow the municipal authorities a much larger field of action. Apart from the important cases of state commissions already mentioned, the cities maintain and direct their own police, subject to no active administrative control on the part of the state authorities. Even the police magistrates are generally locally selected, either by popular election or by municipal appointment. For many large cities, however, the organization of the police is determined in great detail by legislative enactments; while the statutes requiring the police board to be bi-partisan still further limit the independence and responsibility of the local authorities in the management of the police.

Nevertheless, the courts in the United States have repeatedly declared that police officers are not private or corporate officers of the municipalities, but public or state officers, and that where the municipality has immediate control, it is acting as agent of the state government. This opinion has been set forth in the decisions upholding statutes providing for state-appointed police boards in New York, Michigan, Massachusetts, Nebraska, Kansas and Maryland.[1] In New York, however, while a state commission was allowed for a police district covering a territory much larger than any city, an act making a single city into a police district with a state commission was declared in violation of the constitutional provision that "municipal officers shall be elected by the electors of the municipality or appointed by the authorities thereof." [2] In Kentucky also it has been held that a statute for the appointment of police officers by the governor was rendered void by a constitutional provision that municipal officers shall be elected.[3]

Even where police officers are appointed by the city, they

[1] People *v.* Mahaney, 13 Mich. 481; Commonwealth *v.* Plaisted, 148 Mass. 374; State *v.* Leavy, 22 Neb. 474; State *v.* Hunter, 38 Kans. 578; People *v.* Mayor, 15 Md. 376; People *v.* Draper, 15 N. Y. 532.

[2] People *v.* Albertson, 55 N. Y. 50.

[3] Shad *v.* Crawford, 3 Metcalfe, Kentucky, 207.

are held by the courts to be public officers, and not agents or servants of the city in such a sense as to render it responsible for their unlawful or negligent acts in the discharge of their duties.[1] This rule is well stated in the case of Buttrick *v.* the city of Lowell:

> Police officers can in no sense be regarded as agents or servants of the city. Their duties are of a public nature. Their appointment is devolved on cities and towns by the legislature as a convenient mode of exercising a function of government; but this does not render them liable for their unlawful and negligent acts. The detention and arrest of offenders, the preservation of the public peace, the enforcement of the laws, and other similar powers and duties with which police officers and constables are entrusted are derived from the law, and not from the city or town under which they hold their appointment. For the mode in which they exercise their powers and duties, the city or town cannot be held liable.

While thus it must be frankly recognized that even in the United States the city is not an independent political unit in police matters, it does not follow that the European system of state police is in accordance with American institutions or an advisable innovation to introduce. The police, even when controlled by state commissions in American cities, are supported from local taxes. Their work is intimately connected with almost every other municipal department, and the necessary spirit of coöperation is not promoted by making the police independent of the municipal authorities. Moreover, much of their work is in the enforcement of local ordinances. For these reasons, it is important that the primary control of the police force should be vested in the representatives of the municipality.

At the same time, however, it is equally important to recognize that the public nature of the police authority fully warrants the state government in establishing a large measure of supervision over the municipal police. The state has a right to require the local police to enforce the state laws, and for this purpose to establish a system of inspection, with power to remove delinquent officials. A state police bureau could also act as a clearing house for the detective work of the police, and provide an official organization which would make more effective the coöperation of police authorities in different cities. A small force of state police (such as already exists on a very diminutive scale in Massachusetts)[1] could be of service in suppressing disorder in rural districts and in enforcing such state laws as the local police fail to enforce. Such a combination of state and local action is already employed in many states in the work of public charity, education and health regulation. The work of the police equally concerns the state and the localities ; and here, too, a system of coöperative dual administration will prove more effective than either a state police or independent municipal police.

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[1] Buttrick *v.* Lowell, 1 Allen (Mass.), 172; Caldwell *v.* Boone, 51 Iowa, 687; Odell *v.* Schroeder, 58 Ill. 353; Prather *v.* Lexington, 13 B. Monroe (Ky.), 559; Worley *v.* Columbia, 88 Mo. 106; Lafayette *v.* Timberlake, 88 Ind. 330; Norristown *v.* Fitzpatrick, 94 Pa. St. 121; Hannon *v.* Agnew, 96 N. Y. 439.

III. *Duties of the Police.*

Some light may be thrown on these problems of organization by noting in some detail the duties of the police. The English Lighting and Watching statute of 1833 contained the following provision :

> During the time they shall be on duty, the policemen shall: use their utmost endeavors to prevent all robberies, burglaries and other felonies and misdemeanors, and other outrages, disorders and breaches of the peace ; and to apprehend and secure all felons, rogues, vagabonds and disorderly persons who shall disturb the public peace, or any party or persons wandering, secreting or misbehaving himself, herself or themselves, or whom they shall have reasonable cause to suspect of any evil designs ; and to secure and keep in safe custody any such person, in order that he or she may be conveyed as soon as conveniently may be before a justice of the peace to be examined and dealt with according to law.[2]

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[1] R. H. Whitten, Public Administration in Massachusetts, ch. vi.

[2] 3 and 4 Wm. IV, ch. xc, § 41.

The duties here laid down are still the most important functions of the police; and it is in the discharge of these functions that the policemen have the special power to arrest persons without warrant when taken in some criminal act. But the policemen of to-day perform many other tasks not specifically included in the above: They regulate street traffic, so as to prevent blockades and permit foot passengers to cross the streets in safety; they keep in order and within proper limits the crowds which gather at fires and processions and on other occasions; they perform a sort of ambulance work in cases of street accidents, illness and drunkenness; they pick up and restore lost and runaway children; and they attempt to keep disorderly women from soliciting on the streets. The enumeration in the New York Charter of 1897 will give a general view of the more important duties now undertaken by policemen in most large cities:

> It is hereby made the duty of the police department and force, at all times of the day and night, and the members of such force are hereby thereunto empowered to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages; regulate the movement of teams and vehicles in streets, bridges, squares, parks and public places, and remove all nuisances in the public streets, parks and public places, arrest all street mendicants and beggars; provide proper police attendance at fires; assist, advise and protect emigrants, strangers and travelers in public streets, at steamboat and ship landings and at railroad stations; carefully observe and inspect all places of public amusement, all places of business having excise or other licenses to carry on any business; all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside; all lottery offices, policy shops, and places where lottery tickets or lottery policies are sold and offered for sale; all gambling houses, cock pits, rat pits, and public common dance houses, and to repress and restrain all unlawful or disorderly conduct or practices therein, enforce and prevent the violation of all laws and ordinances in force in said city;

and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses.

Police action in the directions thus far indicated is, generally speaking, similar in all the leading countries of the world. In some matters, however, there are important differences, especially between the Continental police and the police in English-speaking countries. Thus, in the countries of Continental Europe, more especially in France, the police exercise a close surveillance over both inhabitants and visitors, keeping accurate and detailed records of the important facts as to the family, life, occupation and movements of large numbers of persons. To make this surveillance as complete as possible, the Paris policemen are located on permanent beats, so that each may become thoroughly acquainted with the inhabitants of his district; at the same time, the 20,000 *concierges* scattered throughout the city act as a system of private detectives, being required to report every suspicious fact to the police; and temporary lodgers must be reported by all hotels and boarding-houses. The information collected from these various sources for the whole of France is brought together and collated at the detective bureau in Paris. The criminal and suspicious classes are now the especial subjects of this surveillance, and the information is of great value in the detective work of the police. In Berlin the police compile the city directory from these records. But the machinery is also available, and in the past has been used, for tracing out and suppressing political movements; and in this respect it is a powerful and dangerous weapon in the hands of the government.

In English-speaking countries there is no such detailed police surveillance. In each city police force there is a detective corps which keeps records of convicted criminals; and the detective bureau of the London metropolitan police acts as a central detective agency for the entire kingdom. In the United States, although the records of one city are usually open to the police officers of other cities, there is no official bureau or clearing house, where all the information can be brought together and properly collated.[1]

A further duty of modern police is the control and limitation of vice. In the large cities of continental Europe there is, distinct from the patrol force, a body of "morality police" (*police des mœurs*) charged especially with this work. The regulations generally include a system of licensing houses of ill-fame, the medical examination of the inmates at certain intervals and the provision of special hospital accommodation for the treatment of venereal diseases. A similar system of medical inspection has been in force in Hong Kong, Bombay, Malta, New South Wales and some Japanese ports, and was for a time enforced by the British government at certain army stations in Great Britain. This system of public regulation is defended by foreign writers on the ground that it to some degree lessens the physical evils resulting from sexual immorality. The regulations of some cities have attempted to distinguish between measures for sanitary control and the legal recognition of vice. Thus, the Hamburg rules state that registration simply means that the evil is tolerated and not that it is allowed, approved or authorized. In spite of drastic efforts to enforce the regulations, at times subjecting innocent persons to most degrading treatment, it does not seem to have been possible in any city to prevent clandestine and unregulated vice on a considerable scale.

Under the statutes of most English-speaking countries, the duties of the police in the interest of public morality require them to suppress both houses of ill-fame and gambling, and generally also Sunday traffic. In most rural districts public sentiment serves to enforce such laws, but in the urban districts they are generally violated. Usually the police do not attempt to enforce the law rigidly, but establish extra-legal restrictions; and in some western cities in the United States there is a well-defined system of monthly fines, which in practice operates as a licensing system. In particular cases it is freely charged that the police are corrupt and for a due consideration allow an almost unrestrained violation of the law.

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[1] There is a bureau of identification at Chicago, maintained by voluntary subscriptions from the principal cities; and an effort is now being made by the Association of the Chiefs of Police of the United States and Canada to have the national government organize and support an official bureau. Such a national bureau, however, could not exercise any compulsory control over the municipal authorities.

The regulation and control of the retail traffic in intoxicating liquor is another police function. In most countries dealers must secure permissive licenses before commencing business, various restrictions are placed on the conduct of the business, and in the United States heavy license fees or taxes are imposed. The relation of the municipalities to the system of control varies widely in the different countries.

Most often the granting of licenses is not a municipal function. In Prussia, Austria, Greece, British India and Egypt licenses are granted by agents of the central governments; in Belgium and Italy, by the provincial authorities; in England and the British colonies, by the justices of the peace. In France no license is required, but each person opening a saloon must make a declaration of his intention at the office of the *maire*. The municipal authorities control licenses, as a rule, in Holland, Portugal, Norway, Sweden, Mexico, Argentina and Japan.

In the United States most of the larger cities do not control the licensing of saloons. While the municipalities issue licenses in the larger number of states, in the most important urban states (New York, Pennsylvania, Ohio) and also in Connecticut, Michigan, Georgia and Florida the licensing authority is a county or state officer. Moreover, in Missouri and Massachusetts the large cities — Boston, St. Louis and Kansas City — have state license officers. In several states, cities may by popular vote prohibit the retail liquor trade within their limits; but Cambridge and Somerville in Massachusetts are the only cities of importance which have permanently adopted this policy.

The revenue from the high license fees or taxes on liquor saloons in the United States always goes in large part to the city treasuries. In New Jersey, Illinois, Wisconsin, Minnesota and Colorado the cities retain the full amount of the tax authorized by the state; and also in San Francisco and Washington the local tax goes entirely to the municipal treasury. Elsewhere a part of the revenue goes to the county or state treasury; in New York one-third and in Massachusetts one-fourth of the liquor revenue falls to the state.

Enforcement of the special restrictions on the liquor trade is among the duties of the police. The failure of municipal police to enforce the strict state regulations in large cities has been one of the most important factors in securing the systems of state police which exist in the United States. In Boston police administration under the state board seems to be distinctly better than formerly; but usually direct state administration has produced only temporary improvement; while, when the motive of the change has been partisan advantage, the resulting administration has been worse than with municipal administration.[1] In the face of these facts, it cannot be maintained that a system of state police is a satisfactory permanent remedy for inefficiency or corruption in the municipal police.

This does not mean, however, that the municipal police need be left free to neglect or ignore state laws. There remains the system, already mentioned, of a state administrative supervision over municipal officials. Through this system, endorsed as it is by experience in other lines of public activity, it is possible at the same time to preserve local autonomy, to secure administrative efficiency and to maintain the interests of the state.

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[1] C. M. L. Sites, Centralized Administration of Liquor Laws, especially pp. 55, 155.